

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 29, 2001

H022388 DFCS v. BLANCA S.

The court's order of October 19, 2000, terminating the mother's parental rights as to Celysa and freeing Celysa for adoption, is affirmed. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 29, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H020952 FEARNEHOUGH v. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed October 29, 2001

H021556 FEARNEHOUGH v. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

The order denying the motion to strike or tax costs is reversed. The matter is remanded to permit the trial court to exercise its discretion whether to grant an extension of time pursuant to California Rules of Court, rule 870(b)(3). If the court determines that such an extension is justified, it shall then consider the merits of the motion. Each party shall bear its own costs in this appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed October 29, 2001

H022574 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed October 29, 2001

Sixth Appellate District

San Jose, California

TUESDAY, OCTOBER 30, 2001

H021422 EWART v. WILSON

The order is affirmed. Wife shall be entitled to her costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., O'Farrell, J.*)

Filed October 30, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H021773 PEOPLE v. MARTINEZ

The judgment is modified to strike the conviction for count 1 and to vacate the stay on count 2. The judgment is further modified to reflect that (1) presentence custody credit previously awarded against the sentence on count 1 shall now apply against the sentence for count 2; and (2) any credit earned by defendant serving the term imposed on count 1 shall be applicable to the sentence imposed on count 2. As modified, the judgment is affirmed. The Clerk of the Superior Court is directed to amend the abstract of judgment in accordance with our modifications and forward a copy to the Department of Corrections. (published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed October 30, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021804 PEOPLE v. BRYANT

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., O'Farrell, J.*)

Filed October 30, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Tuesday, October 30, 2001 (continued)

H022214 In re VINCENT MARQUEZ on Habeas Corpus

The petition is denied. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 30, 2001

WEDNESDAY, OCTOBER 31, 2001

H018866 PEOPLE v. DANIELS, et al.

By the Court*:

Appellant Sonya Marie Daniels' petition for rehearing is denied.

Filed: October 31, 2001

*Before Elia, Acting P.J. and Mihara, J.

H023573 AVENIDAS v. BLIGHT

By the Court*:

Appellant's request for an extension of time, considered a request to set aside the dismissal order of October 15, 2001, is denied.

Filed: October 31, 2001

*Before Premo, Acting P.J., Elia, J. and Mihara, J.

H020677 PEOPLE v. BROWN

The conviction for reckless driving while fleeing and attempting to elude a pursuing police officer is reversed. The conviction for possessing cocaine is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed October 31, 2001

H021779 PEOPLE v. RODRIGUEZ

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 31, 2001

Sixth Appellate District

San Jose, California

Wednesday, October 31, 2001 (continued)

H021267 PEOPLE v. SOTO, et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
O'Farrell, J.*)

Filed October 31, 2001

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to article VI, section 6 of the California
Constitution.

H021898 ESTATE OF MARY S. SIGOURNEY, DECEASED.

The order instructing co-trustee is reversed. The trial
court is directed to entertain Gibson's 1989 petition, upon
proper notice to the APA and Fischer (or the current treasurer of
the APA). The trial court is then directed to enter an order
that is consistent with the ruling and another consistent order
that states the terms of the charitable trust. If the orders
provide that appellants, or any of them or their officers, have
rights or powers under paragraph 4 of the charitable trust, the
trial court is instructed to entertain Devine and Pacella's 1990
and 1991 petitions, upon proper notice, and render orders
consistent with any rulings. If applicable and necessary, the
trial court shall thereafter entertain a petition to appoint the
APA's treasurer or nominee as Pacella's successor. If Gibson
fails to notice a hearing on her 1989 petition within 30 days of
the remittitur, the trial court is instructed to enter an order
denying the petition and another order stating the terms of the
charitable trust that are consistent with the terms of the
testamentary trust. Appellants are awarded costs on appeal.
(published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 31, 2001

H021700 PEOPLE v. ROCHA

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 31, 2001

Sixth Appellate District

San Jose, California

Wednesday, October 31, 2001 (continued)

H021341 DATT, et al. v. PRATT, et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 31, 2001

H021533 PEOPLE v. WILLIAMS, JR.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 31, 2001

H022457 DFCS v. CYNTHIA R., et al.

H023207 In re KEVIN G. on Habeas Corpus

H023237 In re CYNTHIA R. on Habeas Corpus

The judgment is reversed. The matter is remanded to the juvenile court with directions to hold a new section 366.26 hearing after proper section 366.23 notice and advisements. Appellants are entitled to costs on appeal. Cindy's petition for writ of habeas corpus, or in the alternative, writ of mandate is denied. Kevin's petition for writ of habeas corpus, or in the alternative, writ of mandate is denied. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 31, 2001

H020651 OAKLAND RAIDERS v. NATIONAL FOOTBALL LEAGUE, et al.

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)
Filed October 31, 2001

Sixth Appellate District

San Jose, California

Wednesday, October 31, 2001 (continued)

H021539 PEOPLE v. MORENO

The judgment is reversed, and the matter is remanded to the trial court to enter an enforceable order specifying the amount of restitution. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed October 31, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

THURSDAY, NOVEMBER 1, 2001

H021153 DVD COPY CONTROL ASSOCIATION v. ANDREW BUNNER

The order granting a preliminary injunction is reversed. Defendant Andrew Bunner shall recover his appellate costs.

(published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 1, 2001

H022803 PEOPLE v. BOLAN

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed November 1, 2001

H022135 PEOPLE v. OLSEN

The judgment is affirmed. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed November 1, 2001

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H022182 PEOPLE v. LANGRISH

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed November 1, 2001

Sixth Appellate District

San Jose, California

Thursday, November 1, 2001 (continued)

H022796 PEOPLE v. DANIEL L.

The court's order committing defendant to the California Youth Authority is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed November 1, 2001

H022130 PEOPLE v. FORBRICH

The post-judgment order is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed November 1, 2001
*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H022016 PEOPLE v. GALINDO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed November 1, 2001

FRIDAY, NOVEMBER 2, 2001

H022759 PEOPLE v. SIEGRIST

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed November 2, 2001
*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Friday, November 2, 2001 (continued)

H020592 PEOPLE v. MACKENZIE

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J.,
Cottle, J.*)

Filed November 2, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth
Appellate District, assigned by the Chief Justice pursuant to
Article VI, Section 6 of the California Constitution.

H021531 PEOPLE v. GALVAN

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Cottle, J.*)

Filed November 2, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth
Appellate District, assigned by the Chief Justice pursuant to
Article VI, Section 6 of the California Constitution.